

AN ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE 01-0 -1343

AN ORDINANCE TO CREATE THE ALTA WEST HOUSING ENTERPRISE ZONE; AND FOR OTHER PURPOSES.

WHEREAS, an amendment to the Constitution of the Sate of Georgia was adopted by referendum in November 1982 giving the Council of the City of Atlanta power to create urban enterprise zones in the City of Atlanta; and

WHEREAS, enabling legislation known as the Atlanta/Fulton County Urban Enterprise Zone Act was enacted by the Georgia General Assembly and signed by the Governor in March 1983 and subsequently amended; and

WHEREAS, the Atlanta/Fulton County Urban Enterprise Zone Act gives the Council of the City of Atlanta authority to designate areas within the City as urban enterprise zones for housing purposes if certain conditions are met; and

WHEREAS, designation of a Housing Enterprise Zone exempts the taxable value of property within the zone only from ad valorem taxes for City purposes, but the Board of Commissioners of Fulton County, by appropriate resolution, may exempt from ad valorem taxation for County purposes the taxable value of the same property exempted by the City; and

WHEREAS, types of property may be exempted, conditions must be met by owners of private property to qualify for an exemption, period and rate of exemptions, and elections may be made by the Atlanta City Council among various types of exemptions which are specified by State law; and

WHEREAS, State law provides that an exemption from ad valorem taxation for City purposes also includes, but is not limited to, school and educational purposes; and

WHEREAS, the City of Atlanta Development Impact Fee Ordinance provides that, under certain conditions, the City may exempt development in urban enterprise zones from the requirement to pay development impact fees; and

WHEREAS, it is the expressed intent of the Atlanta City Council to use urban enterprise zone legislation as an incentive to generate private investment in areas of the City which otherwise might not attract such investments for housing construction and job creation purposes; and

WHEREAS, the conditions and qualifications of the Atlanta Urban Enterprise Zone Act, as amended, have been met relative to the creation of The Alta West Mixed-Use Residential and Commercial Enterprise Zone;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: It is found by the Council of the City of Atlanta that the area in and around the Howell Mill Road area, location of the Alta West Housing Enterprise Zone is economically and socially depressed. It is further found that areas such as this contribute to or cause unemployment, create an inordinate demand for public services and, in general, have a deleterious effect on the public health, safety, welfare and morals. It is further found that these areas, as is the case with the Howell Mill Road area, are characterized by no investment or under-investment by private enterprise in ventures which produce jobs, trade, provision of services, and economic activities which individually and together contribute to a healthy society. This lack of private investment and activity contributes to social and economic depression in such areas. Therefore, it is in the public interest that incentives be provided to private enterprise to invest in such areas, and that such private enterprise place priority upon the employment of those residents in those economically and socially depressed areas designated herein as urban enterprise zones.

<u>Section 2</u>: The Alta West Housing Enterprise Zone is hereby created. The effective date of all exemptions established therein shall be January 1, 2002. The Alta West Housing Enterprise Zone shall be expired on

December 31, 2011. The Alta Housing Enterprise Zone shall otherwise not be abolished except as provided in State law. A legal description of The Alta West Housing Enterprise Zone is attached hereto as "Exhibit A", and made a part hereof, and shall be on file in the Bureau of Planning and the Office of the Municipal Clerk.

Section 3: Twenty percent (20%) of the total units to be provided, and ten percent (10%) of the units in each housing type and bedroom composition, shall be within the ability to pay of those households whose annual income does not exceed sixty percent (60%) of the median family income for the Atlanta metropolitan statistical area as most recently published by the United States Department of Housing and Urban Development (HUD), and as adjusted for household size in accordance with HUD procedures. For said units, the property owner shall verify each tenant's household income at the time that said tenant initially executes a lease agreement. Furthermore, the property owner, by January 31 of each year, shall submit a report to the Commissioner of Planning, Development, and Neighborhood Conservation, indicating the household income of each tenant who executed a lease agreement during the previous calendar year.

Section 4: The Municipal Clerk is hereby directed to transmit a copy of this Ordinance as well as the legal description of The Alta West Hosuing Enterprise Zone to the Tax Commissioner of Fulton County, to the Commissioner of the Department of Community Affairs of the State of Georgia, and to the Superintendent of the Atlanta Board of Education immediately upon approval by the Mayor of the City of Atlanta.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

A true copy.

ighin Johnson

ADOPTED by the Council **APPROVED** by the Mayor

OCT 01, 2001 OCT 09, 2001

Exhibit A

Proposed Alta West Mixed-Use Residential/Commercial Enterprise Zone

LEGAL DESCRIPTION

ALL THAT CERTAIN PIECE, PARCEL OF LAND, LYING AND BEING IN LAND LOT 150, OF THE 17th DISTRICT, BEING IN CITY OF ATLANTA, FULTON COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AND DESIGNATED ON A BOUNDARY SURVEY FOR WP SOUTH ACQUISITIONS, L.L.C., & CHICAGO TITLE INSURANCE COMPANY DATED 01/24/01, PREPARED BY HIGHLAND ENGINEERING, INC., AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF 11th STREET, (40' R/W) AND THE WESTERLY RIGHT-OF-WAY OF HOWELL MILL ROAD (50' R/W) AT A #4 REBAR SET THE POINT-OF-BEGINNING (P.O.B.), THENCE, TURNING AND CONTINUING ALONG THE WESTERLY RIGHT-OF-WAY OF HOWELL MILL ROAD ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 249.70 FEET, AND A CHORD DISTANCE OF 249.59 FEET, WITH A RADIUS OF 2440.84 FEET AT SOUTH 15 DEGREES 25 MINUTES 04 SECONDS EAST (\$15.25.04.E) TO A \$4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG SAID RIGHT-OF-WAY ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 85.44 FEET, A CHORD DISTANCE OF 85.40 FEET, WITH A RADIUS OF 802.21 FEET AT SOUTH 21 DEGREES 23 MINUTES 58 SECONDS EAST (S21°23'58"E) TO A \$4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F BILTMORE FOOD CO., INC., NORTH 87 DEGREES 33 MINUTES 53 SECONDS WEST (N87'33'53"W) A DISTANCE OF 150.00 FEET TO A #4 REBAR FOUND; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F BILTMORE FOOD CO, INC., SOUTH 09 DEGREES 49 MINUTES 21 SECONDS EAST (S09'49'21"E) A DISTANCE OF 100.00 FEET TO A #4 REBAR SET ON THE NORTHERN RIGHT-OF-WAY OF 10th STREET (60' R/W); THENCE, TURNING AND CONTINUING ALONG THE NORTHERN RIGHT-OF-WAY OF 10th STREET SOUTH 89 DEGREES 04 MINUTES 30 SECONDS WEST (\$89°04'30"W) A DISTANCE OF 257.96 FEET TO A #4 REBAR SET; THENCE, TURNING AND CONTINUING ALONG THE LINE OF N/F RIDICK TIRE CO., NORTH 10 DEGREES 20 MINUTES 44 SECONDS WEST (N10'20'44"W) A DISTANCE OF 299.90 FEET TO A #4 REBAR SET ON THE SOUTHERN RIGHT-OF-WAY OF 11th STREET; THENCE, NORTH 70 DEGREES 32 MINUTES 16 SECONDS EAST (N70°32'16"E) A DISTANCE OF 79.29 FEET TO A P.K. NAIL FOUND; THENCE, TURNING AND CONTIN— UING ALONG SAID RIGHT-OF-WAY NORTH 70 DEGREES 46 MINUTES 05 SECONDS EAST (N70'46'05"E) A DISTANCE OF 288.41 FEET TO THE PINT-OF-BEGINNING (P.O.B.) AND CONTAINING 2.86 ACRES (124.504 Sa. Ft.).

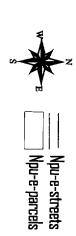
\$ 50

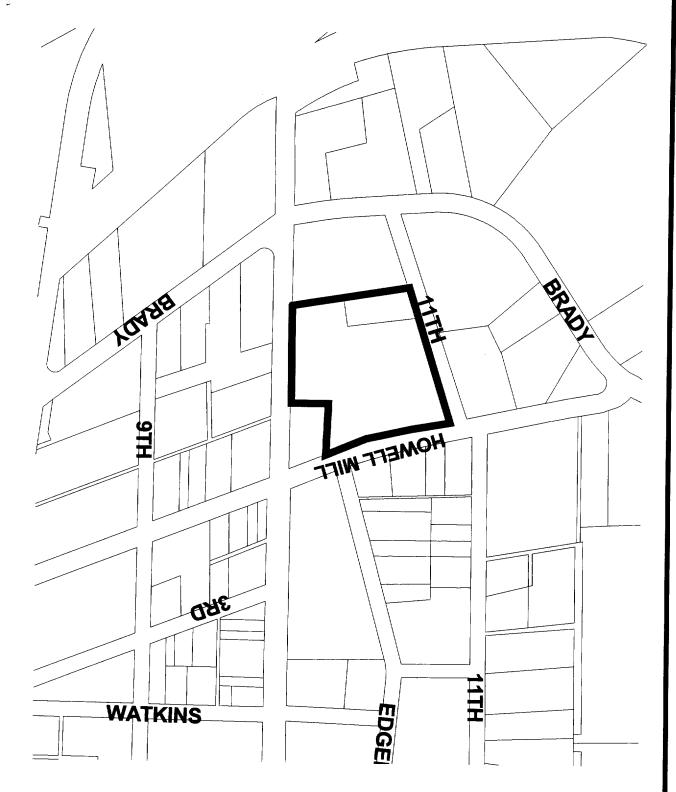


Exhibit B Project Location Map

Proposed Alta West Mixed-Use Residential/Commercial Enterprise Zone

ALTA WEST





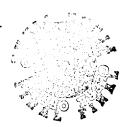




Exhibit C Acknowledgement Letter

Proposed Alta West Mixed-Use Residential/Commercial Enterprise Zone

CITY OF ATLANTA

DEPARTMENT OF PLANNING, DEVELOPMENT AND NEIGHBORHOOD CONSERVATION 68 MITCHELL STREET, S.W. SUITE 3350 • ATLANTA, GEORGIA 30335-0308 404-330-6145 • FAX: 404-658-7491

BILL CAMPBELL MAYOR

MICHAEL A. DOBBINS Commissioner

TIM POLK Deputy Commissioner

ROBERT C. GRAY Director

Bureau of Planning

July 3, 2001

Wood Partners, LLC Bill Bollwerk or Ryan Dearborn 110 Northchase Parkway, Suite 150 Marietta, GA 30067

Dear Sirs:

We have received your application for designation of the Alta West Mixed-Use Residential and Commercial Enterprise Zone. Our staff is currently reviewing the application with regard to the City's criteria for urban enterprise zone designation.

We have scheduled a presentation of the application to Neighborhood Planning Unit E on Wednesday, August 1, 2001 at 7:00 p.m. at the Peachtree Branch Library, located at 1315 Peachtree Street, NE. The chair of NPU – E is Randal Lautzenheiser, who may be reached at (404) 874-6296. Please be present at the NPU – E meeting to briefly present your proposal and to answer any questions regarding your application.

Additionally, the Community Development and Human Resources Committee of the Atlanta City Council will hold a public hearing on your application on Tuesday, September 25, 2001 at 6:00 p.m. in the Council Chambers at City Hall. Please be present at the hearing to briefly present your proposal and to answer any questions regarding this application.

Should you require any further information, please contact Sara Wade Hicks at (404) 330-6728 or Valerie Bell-Smith at (404) 330-6899.

Sincerely,

Robert Grav

CC:

Michael Dobbins, Commissioner Tim Polk, Deputy Commissioner Sara Wade Hicks, Assistant Director Racquel Clement, NPU - V Planner

RG/vbs

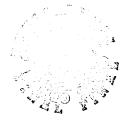


Exhibit D Project Check List (Revised 09/07/2001)

| A | EVALUATION OF P LTA WEST HOUSING EN | | |
|--|--|---|------------|
| Criterion | Required | Proposed | Compliance |
| Eligibility Criteria a. Evidence of Pervasive Poverty b. Unemployment c. General Distress (High Crime or Vacant/ Abandoned Buildings d. Underdevelopment | Area must meet 3 out of 4 Criteria b. Poverty rate of ≥ 20% c. Census tract job loss ≥ 10% of State Average 4.0 or significant job loss d. High Crime or Vacant/Abandoned Buildings e. Lack of development activity < 20% for NPU as compared to the city as a whole | a. Poverty rate of ≥ 30 % for CT 6 BG 1 b. Significant Job Loss c. Vacant/Abandoned Buildings | V |
| 2. Acreage | NONE | 2.87 Acres | 1 |
| 3. CDP Consistency | Mixed Use F.A.R. = n/a | Mixed-Use F.A.R. – 3.16 | 1 |
| 4. Zoning Compliance | Current Zoning Classification I PD-MU | PD-MU | √ |
| 5. Project Specificity | Project Specific Zone or > 50% of Areawide Zone | Project Specific | 1 |
| 6. Project Readiness | ≥ 30% of Units to be Initiated in Year 1 | > 30% in first year | 1 |
| 7. Non-Displacement | Minimum Displacement | None | √ √ |
| 8. Affordability (Housing and Mixed-Use Residential/Commercial Enterprise Zones) | 20% of total units and 10% of each housing type is affordable to households whose income does not exceed 60% of the median for the Atlanta MSA (low income). 20% must bear monthly rents ≤ 30% of low income level, adjusted by family size. 20% must bear purchase prices ≤ \$120,340 or 2.2 median income for the Atlanta MSA. | 20% or 53 units will be reserved for low/moderate-income residents | V |
| 9. Provision for Atlanta police officers and families (Housing and Mixed-Use Residential/Commercial Enterprise Zones) | 5% of available units to be offered to Atlanta police officers and their families at purchase prices or monthly rents which do not exceed the low-income level of affordability | Proposes to comply | 1 |
| 10. Financial Feasibility | sales - affordable units ≥ 20% of total without exemption, or rental (cumulative basis over the 1 st five years) - a. negative cash flow, or b. debt coverage ratio <1.20, or c. a variable-ratio DCR equivalent to said fixed-rate ratio, based upon reasonable assumptions as certified | Debt coverage ratio <1.20 | 1 |

Exhibit E



2001 HUD Income Limits/Affordability

| FAMILY SIZE (% OF BASE) | INCOME ADJUSTMENT | LIVING ACOMODATIONS EXPENSES (<30%) | MAXIMUM RENTS |
|----------------------------|----------------------|-------------------------------------|------------------|
| 1 PERSON (70%) | \$27,930.00 | \$8,379 | \$698 |
| 2 PERSON (80%) | \$31,920.00 | \$9,576 | \$798 |
| 3 PERSON (90%) | \$35,910.00 | \$10,773 | \$898 |
| 4 PERSONS - BASE | \$39,900.00 | \$11,970 | \$998 |
| 5 PERSONS (108%) | \$43,092.00 | \$12,928 | \$1,077 |
| 6 PERSONS (116%) | \$46,284.00 | \$13,885 | \$1,157 |
| 7 PERSONS (124%) | \$49,476.00 | \$14,843 | \$1,237 |
| 8 PERSONS (132%) | \$52,668.00 | \$15,800 | \$1,317 |

Maximum Sales Price \$146,300

(2.2 Rule / 2.2 times the Median Income)

ASSUMPTONS:

Median Income \$66,500 - SMSA

Rent Range is Determined by the Number of Rooms Per Unit and the Atlanta Housing Code Maximum Allowable

Persons per Room - 2; A Two-Bedroom Apartment Unit Could Not House More Than a Four Person Household.

RCS# 3142 10/01/01 1:54 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 14

SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED

ON CONSENT AGENDA

ADOPT

YEAS: 12

NAYS:

ABSTENTIONS: 0

NOT VOTING: 2

EXCUSED:

ABSENT 2

Y McCarty Y Dorsey Y Moore Y Thomas Y Starnes Y Woolard B Martin ITEM (S) REMOVED FROM Y Emmons Y Bond Y Morris **CONSENT AGENDA** NV Maddox Y Alexander B Winslow Y Muller Y Boazman NV Pitts 01-0-1018

10/01/01 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA

ITEMS ADVERSED ON CONSENT AGENDA

- 1. 01-0-1570
- 2. 01-0-1571
- 3. 01-0-1354
- 4. 01-0-1488
- 5. 01-O-1335
- 6. 01-0-1336
- 7. 01-0-1337
- 8. 01-0-1342
- 9. 01-0-1343
- 10. 01-0-1344
- 11.01-0-1345
- 12.01-0-1346
- 13. 01-0-1119
- 14. 01-0-1351
- 15. 01-O-1572
- 16. 01-R-1588
- 17. 01-R-1273
- 18. 01-R-1276 19. 01-R-1428
- 20. 01-R-1456
- 21. 01-R-1471
- 22. 01-R-1499
- 23. 01-R-1580
- 24. 01-R-1581
- 25. 01-R-0921
- 26. 01-R-1561
- 27. 01-R-1584
- 28. 01-R-1521
- 29. 01-R-1522
- 30. 01-R-1523
- 31. 01-R-1524
- 32. 01-R-1525
- 33. 01-R-1526
- 34. 01-R-1527
- 01. 01 K 102.
- 35. 01-R-1528
- 36. 01-R-1545
- 37. 01-R-1546
- 38. 01-R-1547

39. 01-R-1529

40. 01-R-1530

41. 01-R-1531

42. 01-R-1532

43. 01-R-1533

44. 01-R-1534

45. 01-R-1535

46. 01-R-1536

47. 01-R-1537

48. 01-R-1538

49. 01-R-1539

50. 01-R-1540

51. 01-R-1541

52. 01-R-1542

53. 01-R-1543

54. 01-R-1544

55. 01-R-1548

56. 01-R-1549

57. 01-R-1550 58. 01-R-1551

59. 01-R-1552

60. 01-R-1553

61. 01-R-1554

62. 01-R-1555

63. 01-R-1556 64. 01-R-1557

65. 01-R-1558

66. 01-R-1559

67. 01-R-1560

| AN ORDINANCE BY COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE AN ORDINANCE TO CREATE THE ALTA WEST HOUSING ENTERRISE ZONE; AND FOX, Adv. Add Gerror, ades OCHER PURPOSES. COUNCIL COUNCIL COUNCIL COUNCIL COUNCIL Fox, Adv. Had Gerror, ades COUNCIL Reduct COUNCIL Fox, Adv. Had Gerror, ades COUNCIL Reduct COUNCIL Fox, Adv. Had Gerror, ades Committee COUNCIL Addition CONSENT REFR REGULAR REPORT REFRER REGULAR REFORM REFRER REGULAR REPORT REFRER REGULAR REFORM REFRER REGULAR REFORM REFRER REGULAR REFORM REFRER REGULAR REFORM REFRER REGULAR | 01-0 -1343 | First Reading Committee Date | ing c 0/1/10 | COUNCIL ACT |
|--|---------------------------------------|---------------------------------|--|--|
| AN ORDINANCE BY COMMUNITY DEVELOPMENT AND HUMAIN RESOURCES COMMUTTEE AN ORDINANCE TO CREATE THE ALTA WEST HOUSTING ENTERPRISE ZONE; AND FOR, Adv. Hald tess rw. side) FOR OTHER PURPOSES. And ORDINANCE TO CREATE THE ALTA Mambers ADOPTED BY CONSENT REFER AACHOUR FOR Adv. Hald tess rw. side) For, Adv. Hald tess rw. side) COUNCIL CONSENT REFER Members Mem | (Do Not Write Above This Line) | Jele | - KINDON- | ☐2nd ☐1st & 2nd ☐ 3rd Readings |
| BY COMMUNITY DEVELOPMENT AND HUMAN RESOURCES COMMITTEE AN ORDINANCE TO CREATE THE ALTA Action WEST HOUSTING ENTERPRISE ZONE; AND FOR OTHER PURPOSES. An ORDINANCE TO CREATE THE ALTA Action FOR OTHER PURPOSES. Anomhers ADOPTED BY Committee GCT 0 1 2001 COUNCIL CONSENT REFR REGULAR REPORT REFR | AN ORDINANCE | Committee | Committee | ☑Consent ☐V Vote ☑RC Vote |
| AND OTTER PURPOSES. AND OTTER | COMMUNITY DEVELOPMENT | Dgf6 | Date | CERTIFIED |
| WEST HOUSING EXTERPRISE ZONE; AND For, Adv, Held (see rev. side) FOR OTHER PURPOSES. ADOPTED BY CONSENT REFER ACOUNCIL COUNCIL Action For, Adv, Held (see rev. side) COUNCIL COUNCIL COUNCIL COUNCIL COUNCIL COUNCIL COUNCIL COUNCIL Consiste Refer Action For, Adv, Held (see rev. side) COUNCIL Chair COUNCIL Consiste Refer Members Memb | ES COMMITT | 16 list Mar | Chair | |
| ADOPTED BY CONSENT REFER ADVENTISE & REFER ADVE | TO CREATE THE ALY ENTERPRISE ZONE; | Actions (See rav. side) | Actions av, Adv, Held (see rev. side) | |
| ADOPTED BY CONSENT REFER ADVERTISE & REFER ADVER | FOR OTHER FURFOSES. | • | Others | |
| ADOPTED BY Committee OCT 0 1 2001 COUNCIL COUNCIL CONSENT REFER REGULAR REPORT REFER ADVERTISE & REFER ADVERTISE & REFER ADVERTISE & REFER THE ADOPT 2nd READ & REFER THE ADOPT 2nd R | | Collen A | | 0 0CT 0 1 2001 |
| ADOPTED BY CONSENT REFER REGULAR REPER ADVERTISE & REFER STANDART AND TANDART AGLE WA THE REFERENCE OF ACTION Referred Total Read of ACTION Referred Total ACTION Ref | | K-AMAC | | Markan Fred |
| Refer To Refer To Refer To Refer To Refer To Committee Committee Committee Committee Committee Committee Committee Council Counc | | What I the | | COUNCIL PRESIDENT PROTEM |
| ADOPTED BY Committee COUNCIL CONSENT REFER ADVERTISE & REFER 1 st ADOPT Znd RED & REFER ADVERTISE & REFER Attendary Constant Action The Referred 9/7/0/ Action Referred 100 200 Action Referred 100 Action Referred 1 | | | | |
| COUNCIL Chair Chair Committee COUNCIL Action: Fav, Adv, Held (see rev. side) COUNCIL Action: Action: Action: Other: Othe | | Refer To | Refer To | |
| COUNCIL Action: COUNCIL Action: COUNCIL Action: COUNCIL Action: Fov, Adv, Held (see rev. side) Other: COUNCIL Action: Action: | • | | | |
| COUNCIL Chair Chair Chair Chair Chair Chair Chair Chair Chair COUNCIL Action: Fav, Adv, Heid (see rav. side) Others CONSENT REFER ADVERTISE & REFER ADVERTI | ADOPTED BY | Committee | Committee | |
| COUNCIL Chair Chair Chair Chair Chair Chair Chair Action: CONSENT REFER ADVERTISE & REFER ADVERTISE & REFER ADVERTISE & REFER at Referred 9/7/0/ 1st ADOPT 2nd READ & REFER ADVENTISE & Refer To Refer T | 0CT 0 1 2001 | Date | Date | |
| COUNCIL Action: CONSENT REFER REGULAR REPORT REFER ADVERTISE & REFER 1 1st ADOPT 2nd READ & REFER ate Referred 9/17/01 Action: Action: Action | | عَ مَعَ لَ | Chair | Section of the sectio |
| CONSENT REFER REGULAR REPORT REFER ADVERTISE & REFER ate Referred 9/7/0/ Suming 12 Delicion of the second of t | CONNOIL | | Crair | An enter the transfer of the second of the s |
| CONSENT REFER REGULAR REPORT REFER ADVERTISE & REFER 1st ADOPT 2nd READ & REFER ate Referred 9/7/0/ ate Referred 1d; Leads parcat Human Xelaure Printed 1d; Leads parcat Human Xelaure Referred 1d; Leads parcat Human Xelaure Referre | | rev. side) | Actions Adv, Held (see | |
| REGULAR REFER ADVERTISE & REFER ADVERTISE & REFER ADVERTISE & REFER 1st ADOPT 2nd READ & REFER ate Referred 9/(7/0/ Hunter Xeleure Trining 17 Colophical Hunter Xeleure Seferred 10: Refer To | | retto | Other | TOTAL SINGS |
| T 2nd READ & REFER If and READ & REFER If and Refer to Refer to Refer to Refer to | | Members | Members | Z O O O O O O O O O O O O O O O O O O O |
| Sectophient Human Reserva Refer To | Ω | | | |
| Dedelophent / Humben Keleurug Rober To | 127/6 | | | |
| | Liddlephrent / | | | |
| ; | | Refer To | Refer To | |
| | |) | | |